

[Submitting counsel below]

**UNITED STATES DISTRICT COURT
OF NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

**IN RE: UBER TECHNOLOGIES, INC.,
PASSENGER SEXUAL ASSAULT
LITIGATION**

Case No. 3:23-md-03084-CRB (LJC)

**PLAINTIFFS' OPPOSITION TO
DEFENDANTS' MOTION TO COMPEL
COMPLIANCE WITH CIVIL LOCAL
RULE 3-15 AND COURT ORDERS**

This Document Relates to:

ALL ACTIONS

Judge: Honorable Lisa J. Cisneros
Date: TBD
Time: TBD
Ctrm.: G-15th Floor (zoom)

OPPOSITION

Uber asserts that “Plaintiffs’ firms have not filed complete and accurate certifications” in violation of this Court’s order. One would expect evidence in support of such a serious allegation. Indeed, Plaintiffs’ Co-Lead Counsel asked Uber’s counsel if Uber had any evidence that any MDL Plaintiff’s firm did not comply with Civil Local Rule 3-15 or the Court’s orders, and committed to investigating any such credible claims. London Decl. ¶¶ 3-5. Uber offered only generalizations and innuendo. *Id.* ¶¶ 6-7. Its motion adds nothing.

After quashing Uber’s subpoenas seeking information related to litigation funding, the Court ordered that every Plaintiff disclose under Civil Local Rule 3-15 any “provider of litigation funding whose financial arrangement is in any way contingent on the outcome of litigation.” ECF 3676. The order did not require proving a negative (i.e., a certification the firm did *not* have litigation funding), only an affirmative disclosure of litigating funding if any exists. In response, Plaintiffs’ Co-Lead Counsel convened an all-counsel call to review the Court’s order. ECF 3684. No Plaintiff submitted supplemental disclosures, thereby confirming that no such litigation funding exists.

Refusing to accept this, Uber imagines that some firms omitted “portfolio-based financing” from their disclosures. The evidence? A market report that expressly excludes “mass tort law firm financing” from its scope. Westfleet Advisors, *The Westfleet Insider: 2024 Litigation Finance Market Report*, at 2 (2025)¹ (“[A]s noted in our methodology section below, *The Westfleet Insider* is only concerned with U.S. commercial litigating financing, not mass tort law firm financing or consumer litigation financing.”). And a 2024 news article that asserts that one litigation funder and one MDL law firm engaged in unspecified “transactions” at unspecified times “over the past decade.” Cotton Decl., Ex. A. (The graphic on page 3 of the motion refers to a different “Dan Johnson Law Group” not related to this MDL.). This vague hearsay establishes nothing.

¹ Available at <https://www.westfleetadvisors.com/wp-content/uploads/2025/03/WestfleetInsider-2024-Litigation-Finance-Report.pdf>

Given that Uber has no evidence that any firm has failed to disclose litigation funding, all that this motion seeks is that Plaintiffs' firms affirmatively certify a negative—i.e., busy work. But neither Civil Local Rule 3-15 nor the Court's orders require doing so. On top of this motion and the subpoenas that the Court found improper, Uber served dozens of requests for production, interrogatories, and requests for admission (all well after the deadline for substantial completion of fact discovery), seeking information about the funding of Wave 1 Bellwether Plaintiffs' lawsuits and medical treatment. London Decl., Exs. A, B, C. Predictably, each Wave 1 Plaintiff confirmed that no such funding exists. Uber's witch hunt has already wasted a great deal of time and accomplished nothing towards resolving these cases on the merits.

The motion to compel should be denied.

Dated: October 8, 2025

Respectfully submitted,

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FILER'S ATTESTATION

I am the ECF User whose ID and password are being used to file this document. In compliance with L.R. 5-1(i)(3), I attest that the signatories above concurred in this filing.

Dated: October 8, 2025

By: /s/ Andrew R. Kaufman
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